

SENATE JOURNAL

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IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

ONE HUNDRED AND SECOND LEGISLATIVE DAY
THURSDAY, APRIL 17, 2003

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Gannon, absent and formally excused by the Chair; and Senators Pearce and Sweet, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Hans Amen, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 16, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

April 17, 2003

The JUDICIARY AND RULES Committee reports that S 1190 and S 1191 have been correctly printed.

DARRINGTON, Chairman

S 1190 and S 1191 were referred to the Finance Committee.

April 16, 2003

The JUDICIARY AND RULES Committee reports that S 1164 has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled S 1164 and ordered it transmitted to the House for the signature of the Speaker.

April 17, 2003

The FINANCE Committee reports out S 1190 and S 1191 with the recommendation that they do pass.

CAMERON, Chairman

S 1190 and S 1191 were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1192 BY FINANCE COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2004; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

S 1192 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1187, S 1188, and S 1189, by Finance Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senator Pearce was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, H 264 and H 317, having been held, retained their place on the Third Reading Calendar for Monday, April 21, 2003.

S 1181 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Gannon, Sweet. Total - 2.

Total - 35.

Whereupon the President declared **S 1181** passed, title was approved, and the bill ordered transmitted to the House.

The President called Senator Schroeder to the Chair.

S 1182 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Gannon, Sweet. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1182** passed, title was approved, and the bill ordered transmitted to the House.

S 1183 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Gannon, Sweet. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1183** passed, title was approved, and the bill ordered transmitted to the House.

S 1184 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Gannon, Sweet. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1184** passed, title was approved, and the bill ordered transmitted to the House.

Senator Sweet was recorded present at this order of business.

The President returned to the Chair.

S 1185 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **S 1185** passed, title was approved, and the bill ordered transmitted to the House.

S 1186 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **S 1186** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Little to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Little reported that the Committee had under consideration a Parliamentary inquiry as to the germaneness of the amendments to **H 52**, pursuant to Senate Rule 28(D).

LITTLE, Chairman

On motion by Senator Little, seconded by Senator Stegner, the report was adopted by voice vote.

Pursuant to the Report of the Committee of the Whole and the Parliamentary inquiry as to the germaneness of the amendments to **H 52**, the President ruled that the amendments were germane.

Senator Kennedy appealed the ruling of the President, supported by Senators Stennett and Burkett.

The question being, "Shall the ruling of the President be sustained?"

Roll call vote was requested by Senators Stennett, Kennedy, and Werk.

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Sweet, Williams. Total - 27.

NAYS--Burkett, Calabretta, Kennedy, Malepeai, Marley, Stennett, Werk. Total - 7.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared that the ruling of the President was sustained.

The President declared the Senate resolved into the Committee of the Whole and called Senator Little to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Little, Chairman of the Committee of the Whole, reported out **H 52**, without amendment and without recommendation; and **H 415**, as amended in the Senate, without recommendation, amended as follows.

SENATE AMENDMENT TO H 415

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 26, following "tender." insert: "No sales or use tax shall be imposed on the sale or purchase of coins from the state treasurer or any agent designated by the state treasurer."; and in line 34, following "Code." insert: "Provided however, the state treasurer is hereby authorized to retain such amounts from the sale of coins as necessary to repay costs incurred by the state treasurer in shipping and handling coins. Provided further, if the initial cost to mint a series of coins is provided by moneys from another state fund, then such other fund shall first be reimbursed for such costs before the remaining revenues are credited to the state veterans cemetery maintenance fund.".

AMENDMENT TO SECTION 2

On page 2, delete lines 22, 23 and 24.

AMENDMENTS TO BILL

On page 1, following line 17, insert:

"SECTION 1. That Chapter 36, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-3622PP, Idaho Code, and to read as follows:

63-3622PP. IDAHO COMMEMORATIVE SILVER COINS. There is hereby exempted from the taxes imposed by this chapter the sale or purchase of Idaho commemorative silver coins through the office of the treasurer of the state of Idaho or through agents designated by the state treasurer pursuant to the issuance of Idaho commemorative silver coins authorized in section 67-1223, Idaho Code.";

and also on page 1, in line 18, delete "SECTION 1" and insert: "SECTION 2".

On page 2, in line 3, delete "SECTION 2" and insert: "SECTION 3"; and following line 24, insert:

"SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.".

CORRECTION TO TITLE

On page 1, in line 2, following "COINS;" insert: "AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY

THE ADDITION OF A NEW SECTION 63-3622PP, IDAHO CODE, TO PROVIDE THAT SALES AND PURCHASES OF IDAHO COMMEMORATIVE SILVER COINS ARE NOT SUBJECT TO SALES OR USE TAX;" in line 8, following "FUND" insert: "AFTER COSTS OF SHIPPING AND HANDLING HAVE BEEN REIMBURSED TO THE STATE TREASURER AND IF APPLICABLE, AFTER COSTS OF MINTING HAVE BEEN REIMBURSED"; in line 12, delete "AND"; in line 14, delete "AND TO PROVIDE FOR TRANSFER OF"; delete lines 15 and 16 and insert: "; AND DECLARING AN EMERGENCY.".

The Committee also has **S 1172, H 136**, as amended in the Senate, and **H 383** under consideration, reports progress, and begs leave to sit again.

LITTLE, Chairman

On motion by Senator Little, seconded by Senator Stennett, the report was adopted by voice vote.

On request by Senator Davis, granted by unanimous consent, **H 52** was recommitted to the Judiciary and Rules Committee.

H 415, as amended in the Senate, was filed for first reading as amended and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:25 p.m. until the hour of 9 a.m., Friday, April 18, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary